

1. CALL TO ORDER

Mayor Mazza called the meeting to order at 7:00 p.m.

- 2. "Sunshine Law" Announcement-** Adequate notice of this public meeting has been provided by Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE**4. ROLL CALL**

	Present	Absent
Mr. Severino	x	
Mr. Mazza	x	
Mr. Hirt	x	
Mr. Stiger		x
Mr. Stothoff	x	

Also present J.P. Jost, Attorney, Grace Brennan, CFO and Municipal Clerk Ella M. Ruta.

5. APPROVAL OF PRIOR MEETING MINUTES

- Budget Workshop Meeting Minutes of February 6, 2019
- Regular and Executive Session Meeting Minutes of February 6, 2019

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt	x		x			
Mr. Stiger					x	
Mr. Stothoff		x	x			

Motion carried

6. VISITORS

- Girls Scout Troop 80166 –Abby Young, Grace Munro and Ryan Cowell presented the Committee with a project of starting a Lending Library at Finn Road Park. They said if allowed and completed they would earn a Silver Award, the 2nd highest Girl Scout Award. The proposed location would be near the Snack Shack pavilion. They said they would be using green materials and serving a wide variety of ages. Corey McCormack, Chair of Recreation Committee, said he is in favor of the project.

Atty. Jost asked the following motion be approved:

To permit Girls Scouts Troop 80166 to start a “Lending Library” Project at Finn Road Park

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza		x	x			
Mr. Hirt			x			

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Mr. Stiger						x
Mr. Stothoff			x			

Motion carried

- b. Brian Plushanski – owner of the Perryville Center Building on Route 173 and another property located on Frontage Road said he came to ask the Committee’s advice regarding moving and/or building an additional structure on the mentioned properties. He explained in detail his previous approvals. The Committee’s advice was to contact Zoning Officer and UT Planning Board/Board of Adjustment.
7. **Discussion/Action:** Atty. Jost confirmed with Mr. Samuel Becker, present at the meeting, that he has signed the waiver stating that he wishes the matter to be decided by the Committee in Public Session rather than in an Executive Session of the meeting. Mr. Becker responded, “I guess, yeah”. Atty. Jost asked Mr. Becker if he understands that he is waiving his right to privacy if the Committee discusses this matter in Public Session and the decision is made in Public Session of the meeting. Atty. Jost said that it is his understanding that Mr. Becker signed the waiver and asked Personnel Administrator to confirm. Personnel Administrator Brennan read the following waiver signed by Mr. Becker: “By signing below, I hereby waive my right to a private discussion and to request that this matter be discussed in Open Public Session”. Atty. Jost asked Mr. Becker once again to confirm that he signed the waiver just read. Mr. Becker replied “Yes”. Atty. Jost asked Mr. Becker if he understands that regardless how this is handled tonight, there will not be any testimony taken, this is not a hearing. This is going to be a discussion and /or a decision by the Committee. Atty. Jost emphasized that there are two alternatives, one the Committee can discuss the matter in the Public or they can go into Executive Session, discuss it, come out and take action. Once again, Atty. Jost asked Mr. Becker “You have indicated that you want this matter to be discussed in Public Session. Is that correct? Mr. Becker replied “I am here for the outcome about my job.” Atty. Jost deemed it that Mr. Becker wants this matter to be discussed in the Public Session of the meeting, so the matter is now before the Committee. He asked if it is the Committee’s wish to discuss it at this time. Mr. Stothoff made the following statement. “I was brought in as a part of the Personnel Subcommittee to investigate the personnel matter within the Road Department. Through interviews with all the Road Department personnel, I, Grace Brennan and Page Stiger, who is unable to be here this evening and along with Korey Fleming, DR&F Foreman, we interviewed all parties associated with this matter. We asked Sam Becker to come back and interviewed Mr. Becker individually. Upon the consideration of the matter, it is the Personnel Subcommittee’s recommendation to terminate the employment of Sam Becker. I would like to ask for a motion in that matter”. Mr. Severino asked if Mr. Stothoff made a motion. Mr. Stothoff replied that he was asking for a motion. Mr. Severino made a motion to terminate employment of Mr. Samuel Becker. Mayor Mazza seconded the motion. Atty. Jost stated that the Mayor could leave the Mayor chair and second the motion. Mr. Jost said that he is interpreting that the Mayor left the chair, seconded the motion, and asked the Mayor if that is a correct interpretation. Mayor answered “Yes” Roll Call – Ayes: Mr. Severino, Mr. Mazza, Mr. Hirt, Mr. Stothoff. Motion carried.

8. EXECUTIVE SESSION – Action may be taken following Executive Session

The following Resolution was introduced for adoption:

RESOLUTION #2019-38
Providing for a Meeting Not Open to the Public in Accordance with the
Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. _____ Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. _____ Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. _____ Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. _____ Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. _____ Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigation of possible violations of the law.
7. X Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
8. _____ Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
9. _____ Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on March 6, at 7:34 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		x	x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

The Committee returned to regular meeting session at 8:31 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff		x	x			

Motion Carried

9. REPORTS RECEIVED - Acknowledged

- Road Dept.- Week Ending; 2/01/19; 2/8/19; 2/15/19; 2/22/19
- Animal Control Officer – January 2019
- Public Safety Coordinator - not present
- Engineer's Report - not present

10. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Hirt reported the following:

- Justin Kessler on DMC's report on saving money on lighting only for a total cost of \$16,000. State incentive is \$11,200, cost to Union Township \$4,800. Mr. Stothoff questioned if the grant is covering heat pumps. Mayor Mazza said there is a presentation on the topic at the Hunterdon County Complex, which also includes solar, on 3/28/19. He asked to wait and see if that is a better offer.

11. PUBLIC COMMENTS - None

12. PUBLIC HEARING

13. OLD BUSINESS – None

14. NEW ORDINANCES

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 20th day of February 2019. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 6th day of March 2019, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE 2019-2

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY REGARDING THE POSITION OF PUBLIC SAFETY COORDINATOR

Whereas, the Union Township Committee is desirous of amending the title of the position of Public Safety Coordinator to Public Safety Director with regard to the various emergency services and procedures in the Township; and good cause appearing,

Now, Therefore, Be It Ordained, by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that Section 2-23 of the Code of the Township of Union is hereby amended as follows:

2-23 PUBLIC SAFETY ~~COORDINATOR~~ DIRECTOR.

a. Position Created, Appointment, Duties.

1. There is hereby created the position of Public Safety ~~Coordinator~~Director of the Township of Union.
2. The Public Safety ~~Coordinator~~Director shall be appointed annually for a term ending on December 31, and shall serve at the pleasure of the Township Committee. The Public Safety ~~Coordinator~~Director shall be compensated in accordance with the current salary ordinance of the Township.
3. The Public Safety ~~Coordinator~~Director shall preferably have experience in, or knowledge of, law enforcement, fire fighting, investigations, public relations and emergency services, or shall be otherwise qualified to serve as Public Safety ~~Coordinator~~Director.
4. The duties of the Public Safety ~~Coordinator~~Director shall be to research and study any matters of interest or concern to the Union Township Committee with regard to public safety and emergency services in Union Township, as directed by the Township Committee, to analyze and evaluate such facts and information as may be obtained by the Public Safety ~~Coordinator~~Director, and to provide the Township Committee with written or oral reports and recommendations with regard to such matters.
5. In the course of the Public Safety ~~Coordinator~~Director's activities, he may communicate and confer with the officers and personnel of the various fire companies, rescue squads and other emergency services organizations having jurisdiction in Union Township as needed.

Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

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Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

Ella M. Ruta, Clerk

Frank Mazza, Mayor

First Reading: March 6, 2019
Publication: March 21, 2019
Public Hearing/Adoption: April 17, 2019
Final Publication: April 25, 2019

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion carried

Att. Jost stated that he received yet another change to the Ordinance #2019-3 that he read into the record "Page 9 of 24 Section 30-28.4 D2. Currently it states, "In each affordable development at least 50% of the restricted units within each bedroom distribution shall be low income units." Atty. Jost said that what he just read stays in and additional wording "including that 13% of the restricted units within each bedroom distribution shall be very low income." He said that motion to introduce would include the minor change. The Clerk will be provided a final copy for publishing. The Attorney stated that only the changes to the Ordinance would be published.

NOTICE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 6th day of March, 2019. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 17th day of April, 2019, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE NO. 2019-3

AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING CHAPTER 30 OF THE CODE OF THE TOWNSHIP OF UNION TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, in the State of New Jersey, that Ordinance No. 2018-12, adopted on final reading on December 19, 2018, entitled “AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING CHAPTER 30 OF THE CODE OF THE TOWNSHIP OF UNION TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT,” is hereby amended as follows: (additions thusly, deletions ~~thusly~~)

Section I. Subsection 30-28.4. New Construction, in Section 30-28, “Fair Share Affordable Housing” of Chapter XXX, “Land Use”, as adopted by Ordinance 2018-12, is hereby amended as follows:

Section 30-28.4 New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

- A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units <u>Completed</u>	Minimum Percentage of Low- and Moderate- Income <u>Units Completed</u>
25	0
25+1	10
50	50
75	75
90	100

- B. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.
- C. ~~Payments in lieu and off-site constructions. The standards for the collection of payments in lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with the requirements below:~~

~~1. The base dollar amount of the payment in lieu of constructing an affordable unit at the time of adoption of this Ordinance shall be pursuant to COAH's regulations and/or other amount in a development adjusted periodically by the Township to reflect the most current and accurate market conditions or better cover the cost to the Township to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Planning Board.~~

- ~~a. During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit less estimated capitalized revenue at the development in question is lower than the imposed payment in lieu in §30.24.4C.1. At its discretion, the Governing Body may impose a payment in lieu amount equal to proximate to the amount estimated by the developer.~~

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- D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- E. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units, including that 13% of the restricted units within each bedroom distribution shall be very-low income.
 3. Within rental developments, of the total number of affordable rental units, at least 13% of the restricted units within each bedroom distribution shall be affordable to very-low income households.
 4. At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low-income households.
 5. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- E. Accessibility Requirements:
1. The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.
 2. All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:

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- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel on the first floor;
 - (1) An interior accessible route of travel shall not be required between stories within an individual unit;
- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A. 52:27D-311a et seq.*) and the Barrier Free Subcode, *N.J.A.C. 5:23-7*, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the builder of restricted units shall deposit funds within the Township of Union's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Union.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Union's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

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F. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and

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- (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
- 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
- 9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) Regional income limits shall be established for the Region 3 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 3. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

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- (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
10. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section II. Continuation. Except as amended herein, Section 30-28, "Fair Share Affordable Housing," as adopted by Ordinance 2018-12 on December 19, 2018, shall remain in full force and effect.

Section III. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. .

Section IV. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section V. Interpretation. If the specific terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Union, then this Ordinance shall be enforced. .

Section VI. Effective Date. This ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption and publication by the Township Committee of the Township of Union in the manner prescribed by law.

Attest:

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

First Reading: March 6, 2019
Publication: March 21, 2019
Public Hearing: April 17, 2019
Adoption/Published by April 25, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		x	x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion carried

15. NEW BUSINESS

- a. The following Resolution was introduced for approval:

RESOLUTION #2019 - 39

RESOLUTION IN SUPPORT OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 173 BRIDGE OVER MULHOCKAWAY CREEK PROJECT IN THE TOWNSHIP OF UNION, HUNTERDON COUNTY NEW JERSEY

WHEREAS, the New Jersey Department of Transportation has informed the Union Township of the plans for the replacement of the existing Route 173 Bridge (Structure No. 1054-151) over Mulhockaway Creek: and,

WHEREAS, The New Jersey Department of Transportation has determined that this structure built in 1919, is in need of replacement; and,

WHEREAS, the project is currently in the Concept Development Phase and will advance to Preliminary Engineering and then on to Final Design with anticipated construction to start in 2023; and

WHEREAS, the Township of Union accepts the NJDOT's finding that the structure is in need of replacement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Union, in the County of Hunterdon, in the State of New Jersey that the replacement of the existing Route 173 Bridge (Structure No. 1054-151) over Mulhockaway Creek as presently proposed by the New Jersey Department of Transportation is hereby endorsed by the Township.

Date: March 6, 2019

Frank T. Mazza, Mayor

Attest:

Ella M. Ruta, Municipal Clerk

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			

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Mr. Stiger						x
Mr. Stothoff	x		x			

Motion carried

- b. The following Resolution was introduced for approval:

**RESOLUTION #2019-40
TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

WHEREAS, Tax Sale Certificate #09-07 was issued to Park Finance, LLC in the amount of \$7,736.69 on September 24, 2009; and

WHEREAS, the Tax Sale Certificate was assigned to M&P Retirement Plan on April 20, 2017; and

WHEREAS, the lien was redeemed on January 11, 2019, in the amount of \$493,284.86 in accordance with provisions of NJSA 54:5-60 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, on this 20th day of February, 2019, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$493,284.86 payable to M&P Retirement Plan, PO Box 109, Cedar Knolls, NJ 07927
2. That this resolution shall take effect immediately upon adoption.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		x	x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion carried

- c. The following Resolution was introduced for approval:

**RESOLUTION #2019-
UNION TOWNSHIP, HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR PLANNING CONSULTANT SERVICES FOR 2019
With The Firm of Clarke·Caton·Hintz**

Tabled

- d. The following Resolution was introduced for approval:

**RESOLUTION #2019-41
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2019
Matthew J. Giacobbe, Esq. Special Labor Counsel**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Cleary, Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Cleary, Giacobbe Alfieri Jacobs, LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Cleary, Giacobbe Alfieri Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Matthew J. Giacobbe, Esq., of Cleary, Giacobbe Alfieri Jacobs, LLC, a Professional Corporation, 169 Ramapo Valley Road, Oakland, New Jersey 07436 for his legal services for **2019** at the hourly rate of \$150.00. In no event shall services rendered exceed the maximum yearly sum of \$10,000.00 without issuance of change order.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Matthew J. Giacobbe, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2019** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: March 6, 2019

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the **2019** Temporary/Adopted Budget to award a contract to Matthew J. Giacobbe, Esq., as appropriated under the line item "Legal".

Date: _____

Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			

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Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff		x	x			

Motion carried

e. The following Resolution was introduced for approval:

RESOLUTION #2019-42

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING THE AWARD OF A
2019 PROFESSIONAL SERVICES RESOLUTION/AUDITOR:
SUPLEE, CLOONEY & COMPANY**

WHEREAS, there exists a need for a municipal Auditor as a non-fair and open contract pursuant to provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has submitted a proposal, indicating they will provide the auditor services for the fee not to exceed \$35,000.00; and

WHEREAS, SUPLEE, CLOONEY & COMPANY has completed and submitted a Business Entity Disclosure Certification which certified that SUPLEE, CLOONEY & COMPANY has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit SUPLEE, CLOONEY & COMPANY from making any reportable contributions through the term of the contract; and

WHEREAS, the required certificate for the availability of funds has been filed by the Chief Financial Officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C.5:30-14.5 and that fees for the aforementioned auditing and non-auditing services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, authorizes the Mayor and Clerk of the Township of Union to enter into a contract with SUPLEE, CLOONEY & COMPANY as described herein as auditors on and in behalf of the Township of Union for the year **2019**; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township newspaper and a copy of this Resolution shall be forwarded to SUPLEE, CLOONEY & COMPANY, the Township Clerk and the Township Financial Officer.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer, of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds to award

a contract to SUPLEE, CLOONEY & COMPANY, as appropriated in the **2019** Temporary/Adopted Budget under the line item "Finance OE".

Date: March 6, 2019

Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		x	x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

f. The following Resolution was introduced for approval:

**RESOLUTION #2019-43
UNION TOWNSHIP, HUNTERDON COUNTY**

**APPROVING 2019 PROFESSIONAL SERVICE CONTRACT –GEOLOGIST/HYDROGEOLOGIST
CONSULTANT**

Eric DeRicco, Van Cleef Engineering Associates

WHEREAS, the Township of Union has a need to acquire hydrogeologic services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, anticipated term of this contract is one year; and

WHEREAS Cherry, Weber & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Cherry, Weber & Associates has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Van Cleef Engineering Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Planning Board, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and the Clerk to enter into a contract with Van Cleef Engineering Associates, for hydrogeologic consulting services for **2019** at the hourly rate of \$143.00 and not to exceed limit of \$25,000.00; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the official newspaper of this municipality.

Date: March 6, 2019

**CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2019 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "_____".

Date: _____

Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

g. The following Resolution was introduced for approval:

**RESOLUTION #2019-44
UNION TOWNSHIP, HUNTERDON COUNTY
APPROVING 2019 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES
Richard Roseberry / Maser Consulting P. A.**

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the services will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the firm of Maser Consulting P.A., has completed and submitted a Business Entity Disclosure Certification which certified that Maser Consulting P.A. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Maser Consulting P.A. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Richard Roseberry from Maser Consulting P.A. as follows:

1. The Engineer shall be compensated at the hourly rate of \$165.00 per hour and shall not exceed the sum of \$20,000.00 for his engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.

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2. Alternate Engineering services may be performed for the Township by other principals and employees of the firm of Maser Consulting P.A. under the direct supervision of C. Richard Roseberry, P.E. is unavailable or when otherwise necessary and desirable.
3. This agreement shall cover the period from January 1, 2019, to December 31, 2019.
4. The Alternate Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and also part of this agreement.
6. Maser Consulting P.A. will carry, at its expense, during the appointment period professional liability insurance.
7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.
8. A notice of this action shall be printed once in the official newspaper.

Date: March 6, 2019

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2019 Temporary/Adopted Budget to award a contract to Maser Consulting P.A. under the line item "Engineering".

Date: _____

Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

h. The following Resolution was introduced for approval:

Mr. Stothoff asked if there was a cost to the Township after adoption of the following resolution. Atty. Jost made a phone call to Special Counsel Drill, Esq. to explain. Atty. Drill said that the maximum cost would be \$10,000.00. CFO Brennan asked if Affordable Housing Trust Fund monies could be used if necessary. Atty. Drill said yes.

RESOLUTION #2019-45

**RESOLUTION AUTHORIZING TOWNSHIP PARTICIPATION IN THE
HUNTERDON COUNTY HOUSING REHABILITATION PROGRAM
TOWNSHIP OF UNION, HUNTERDON COUNTY**

WHEREAS, the Hunterdon County Housing Rehabilitation Program provides non-interest bearing and deferred payment loan to cover the cost of eligible rehabilitation for low and moderate income residents;

WHEREAS, the purpose of this program is to maintain safe, accessible and energy efficient housing by helping eligible residents to correct code violations and other deficiencies in their homes;

WHEREAS, the Township's rehabilitation obligation, as set forth in the 2018 Housing Element and Fair Share Plan, is one (1) unit;

WHEREAS, participation in the Hunterdon County Housing Program will satisfy the Township's rehabilitation obligation;

WHEREAS, the Hunterdon County Rehabilitation Program is conducted pursuant to a program manual that is consistent with the requirements of the Small Cities Program;

WHEREAS, Union Township has reviewed this program manual and finds that the requirements are also consistent with owner occupied rehabilitation program standards in COAH's substantive rules (N.J.A.C. 5:93-5.2);

NOW, THEREFORE, BE IT RESOLVED that the Township of Union shall participate in the Hunterdon County Housing Rehabilitation Program in order to assist residents in maintaining safe and decent housing, and in order to meet their rehabilitation obligation;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township of Union approves the program manual for the Hunterdon County Rehabilitation Program for all rehabilitation work conducted by this program in Union Township.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		x	x			
Mr. Mazza			x			
Mr. Hirt			x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

- i. The following Resolution was introduced for approval:

TOWNSHIP OF UNION
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION #2019-46

Appointing Judge of Union Township Municipal Court

WHEREAS, the term of the present Judge of the Union Township Municipal Court expires on April 1, 2019; and

WHEREAS, the “Interlocal Services Agreement between the Township of Clinton and the Township of Union to Provide for the Sharing of Facilities, Personnel and Resources by the Municipal Courts,” dated January 1, 2018, provides that the parties Shared Courts shall continue to share all personnel, as authorized by Statute including Judge(s), Prosecutor(s), Public Defender(s), Court Administrator, Deputy Court Administrator(s) and clerical personnel, and that the staffing of these positions shall be from among the personnel currently employed or appointed and serving Clinton Township, and that Union Township’s portion of the compensation of such personnel shall be included in the payment of Union Township to Clinton Township pursuant to Paragraph X of said Interlocal Services Agreement; and

WHEREAS, notwithstanding that Clinton Township and Union Township appoint the same persons as Judge, Court Administrator, Prosecutor, and Public Defender, the jurisdiction of the Municipal Court of each municipality shall be separate and each municipality retains its right of appointment as provided in N.J.S.A. 2B:12-4 (Judge) 2B:24-3 (Public Defender) and 2B:25-4 (Prosecutor) and in applicable case law; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that Eric M. Perkins, the current Judge of the Clinton Township and Union Township Municipal Courts be, and is hereby, reappointed as the Judge of the Union Township Municipal Court effective April 1, 2019, for a term in accordance with law, or until the expiration of the above mentioned Interlocal Services Agreement, whichever shall first occur; and

BE IT FURTHER RESOLVED that the salary and benefits, including FICA, PERS contributions, workers compensation insurance and group health insurance of the said re-appointed Judge of the Union Township Municipal Court Eric M. Perkins shall continue to be paid by Clinton Township in accordance with Paragraph X of the above referred to Interlocal Services Agreement; and

BE IT FURTHER RESOLVED that a certified copy of the within resolution shall be forwarded to the Municipal Clerk and the Administrator of Clinton Township, to the Judge and Court Administrator of the Clinton Township Municipal Court and to the Assignment Judge and the Municipal Division Manager of Vicinage 13 of the Superior Court, who will thereafter, through the Municipal Division Manager, provide a copy to the Administrative Office of the Courts.

Ella M. Ruta, RMC
Municipal Clerk

Frank T. Mazza, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			
Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff			x			

Motion Carried

- j. **Motion to Approve:** Request by Tim Strand for the Mayor to sign a letter to DOT; no objection for flying hot air balloons

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	x		x			
Mr. Mazza			x			

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Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff				x		

Motion Carried

16. REPORTS

a. **Attorney's Report** – all issues already discussed.

b. **Committee Report**

Mr. Severino reported the following:

– Asked about time retention of construction permits. Briefly discussed.

c. **Mayor's Report**

– Energy Co-Op Program meeting at Hunterdon County building March 28 at 8:15 am. Bruce Hirt and Mayor to attend and will report back

Mayoral Appointments:

Mayor Mazza appointed Joe Winnicki as a Citizen Member to the UT Environmental Commission

OUT OF AGENDA ORDER

17. PAYMENTS OF BILLS – Bills List of 2/20/19 and 3/06/19

The approved lists of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			x			
Mr. Mazza			x			
Mr. Hirt		x	x			
Mr. Stiger						x
Mr. Stothoff	x		x			

Motion Carried

BACK TO AGENDA ORDER

18. **PUBLIC COMMENT** – none

19. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Severino made a motion to adjourn the meeting at 8:58 p.m. Mr. Stothoff seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor